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**Attorneys for Defendant
Target Corporation**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

BISCOTTI, INC., a California Corporation,

Plaintiff,

vs.

TARGET CORPORATION, a Minnesota
Corporation,

Defendants.

Case No. 3:09-cv-03852-RS

**STIPULATION AND ORDER OF
DISMISSAL WITH PREJUDICE**

Pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, and pursuant to a
settlement reached on April 16, 2010 by and between the parties to the above-entitled action which

1 is reflected in a written settlement agreement, plaintiff Biscotti, Inc. and defendant Target
2 Corporation, the parties, by and through their counsel of record, hereby stipulate and agree that the
3 above-entitled action shall be, and hereby is, DISMISSED WITH PREJUDICE. Each of the
4 parties shall bear his or its own attorneys' fees and costs. The Court shall retain jurisdiction to
5 enforce the settlement.

6 IT IS SO STIPULATED.

7 Respectfully submitted,

8 DATED: April 30, 2010

NIXON PEABODY, LLP

9 By _____/s/_____
10

11 John A. Chatowski
Attorneys for Plaintiff Biscotti, Inc.

12 DATED: April 30, 2010

DRAPER LAW OFFICES

13 By _____/s/_____
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15 Ann McFarland Draper
Attorneys for Defendant Target Corporation
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17 GENERAL ORDER 45 CERTIFICATION

18 I, John A. Chatowski, hereby attest pursuant to N.D. Cal. General Order No. 45 that the
19 concurrence to the filing of this document has been obtained from each signatory hereto.

20 DATED: April 30, 2010

NIXON PEABODY, LLP

21 By _____/s/_____
22

23 John A. Chatowski
Attorneys for Plaintiff Biscotti, Inc.
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ORDER

Plaintiff Biscotti, Inc. and defendant Target Corporation, being all of the parties of record in this action, having reached a settlement which is reflected in a written settlement agreement, and having stipulated by and through their counsel of record, and the Court having accepted the stipulation of the parties.

IT IS HEREBY ORDERED that the above-entitled action shall be, and hereby is, DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that each of the parties shall bear his or its own attorneys' fees and costs, and that the Court shall retain jurisdiction to enforce the settlement.

IT IS SO ORDERED.

Dated: 4/30, 2010



UNITED STATES DISTRICT COURT JUDGE